

House Amendment to  
Senate File 475

S-5182

1 Amend Senate File 475, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

5 <DIVISION I

6 ONLINE EDUCATION

7 Section 1. Section 256.7, subsection 32, paragraph a, Code  
8 2018, is amended to read as follows:

9 a. Adopt rules for online learning in accordance with  
10 sections ~~256.41~~, ~~256.42~~, and ~~256.43~~, and criteria for waivers  
11 granted pursuant to ~~section 256.42~~.

12 Sec. 2. Section 256.7, subsection 32, paragraph b, Code  
13 2018, is amended by striking the paragraph.

14 Sec. 3. Section 256.7, subsection 32, paragraph c, Code  
15 2018, is amended to read as follows:

16 ~~c. Adopt rules that limit the statewide enrollment of~~  
17 ~~pupils in educational instruction and course content that are~~  
18 ~~delivered primarily over the internet to not more than eighteen~~  
19 ~~one-hundredths of one percent of the statewide enrollment of~~  
20 ~~all pupils, and that limit the number of pupils participating~~  
21 ~~in open enrollment for purposes of receiving educational~~  
22 ~~instruction and course content that are delivered primarily~~  
23 ~~over the internet to no more than one percent of a sending~~  
24 ~~district's enrollment. Such limitations shall not apply if~~  
25 ~~the limitations would prevent siblings from enrolling in the~~  
26 ~~same school district or if a sending district determines that~~  
27 ~~the educational needs of a physically or emotionally fragile~~  
28 ~~student would be best served by educational instruction and~~  
29 ~~course content that are delivered primarily over the internet.~~  
30 ~~Students who meet the requirements of ~~section 282.18~~ may~~  
31 ~~participate in open enrollment under this paragraph "c" for~~  
32 ~~purposes of enrolling only in the CAM community school district~~  
33 ~~or the Clayton Ridge community school district.~~

34 (1) ~~The department, in collaboration with the international~~  
35 ~~association for K-12 online learning, shall annually collect~~

1 ~~data on student performance in educational instruction and~~  
2 ~~course content that are delivered primarily over the internet~~  
3 ~~pursuant to this paragraph "c". The department shall include~~  
4 ~~such data in its annual report to the general assembly pursuant~~  
5 ~~to subparagraph (4) and shall post the data on the department's~~  
6 ~~internet site.~~

7 (2) ~~School districts~~ Adopt rules which require that  
8 educational instruction and course content delivered primarily  
9 over the internet be aligned with the Iowa core standards as  
10 applicable. Under such rules, a school district may develop  
11 and offer to students enrolled in the district educational  
12 instruction and course content for delivery primarily over the  
13 internet. A school district providing educational instruction  
14 and course content that are delivered primarily over the  
15 internet ~~pursuant to this paragraph "c"~~ shall annually submit  
16 to the department, in the manner prescribed by the department,  
17 data that includes but is not limited to the following:

- 18 (a) Student achievement and demographic characteristics.
- 19 (b) Retention rates.
- 20 (c) The percentage of enrolled students' active  
21 participation in extracurricular activities.
- 22 (d) Academic proficiency levels, consistent with  
23 requirements applicable to all school districts and accredited  
24 nonpublic schools in this state.
- 25 (e) Academic growth measures, which shall include either of  
26 the following:
  - 27 (i) Entry and exit assessments in, at a minimum, math  
28 and English for elementary and middle school students, and  
29 additional subjects, including science, for high school  
30 students.
  - 31 (ii) State-required assessments that track year-over-year  
32 improvements in academic proficiency.
- 33 (f) Academic mobility. To facilitate the tracking  
34 of academic mobility, school districts shall request the  
35 following information from the parent or guardian of a student

1 enrolled in educational instruction and course content that  
2 are delivered primarily over the internet pursuant to this  
3 paragraph "c":

4 (i) For a student newly enrolling, the reasons for choosing  
5 such enrollment.

6 (ii) For a student terminating enrollment, the reasons for  
7 terminating such enrollment.

8 (g) Student progress toward graduation. Measurement of  
9 such progress shall account for specific characteristics of  
10 each enrolled student, including but not limited to age and  
11 course credit accrued prior to enrollment in educational  
12 instruction and course content that are delivered primarily  
13 over the internet pursuant to this paragraph "c", and shall be  
14 consistent with evidence-based best practices.

15 ~~(3) The department shall conduct annually a survey of not  
16 less than ten percent of the total number of students enrolled  
17 as authorized under this paragraph "c" and [section 282.18](#), to  
18 determine whether students are enrolled under this paragraph  
19 "c" and [section 282.18](#) to receive educational instruction and  
20 course content primarily over the internet or are students who  
21 are receiving competent private instruction from a licensed  
22 practitioner provided through a school district pursuant to  
23 [chapter 299A](#).~~

24 ~~(4) (2)~~ The department shall compile and review the data  
25 collected pursuant to this paragraph "c" and shall submit its  
26 findings and recommendations for the continued delivery of  
27 educational instruction and course content by school districts  
28 pursuant to this paragraph "c" delivered primarily over the  
29 internet, in a report to the general assembly by January 15  
30 annually.

31 ~~(5) School districts providing educational instruction and  
32 course content that are delivered primarily over the internet  
33 pursuant to this paragraph "c" shall comply with the following  
34 requirements relating to such instruction and content:~~

35 ~~(a) Monitoring and verifying full-time student enrollment,~~

1 ~~timely completion of graduation requirements, course credit~~  
2 ~~accrual, and course completion.~~

3 ~~(b) Monitoring and verifying student progress and~~  
4 ~~performance in each course through a school-based assessment~~  
5 ~~plan that includes submission of coursework and security and~~  
6 ~~validity of testing.~~

7 ~~(c) Conducting parent-teacher conferences.~~

8 ~~(d) Administering assessments required by the state to all~~  
9 ~~students in a proctored setting and pursuant to state law.~~

10 Sec. 4. Section 256.9, subsection 56, Code 2018, is amended  
11 to read as follows:

12 56. Develop and establish an online learning program  
13 model in accordance with rules adopted pursuant to section  
14 256.7, subsection 32, paragraph "a", and in accordance with  
15 section 256.43. The director shall maintain a list of approved  
16 online providers that meet the standards of section 256.42,  
17 subsection 6, and provide course content through an online  
18 learning platform taught by an Iowa licensed teacher that  
19 has specialized training or experience in online learning.  
20 Providers shall apply for approval annually or as determined  
21 by the department.

22 Sec. 5. Section 256.41, Code 2018, is amended to read as  
23 follows:

24 **256.41 Online learning requirements — legislative findings**  
25 **and declarations school districts.**

26 1. ~~The general assembly finds and declares the following:~~

27 ~~a. That prior legislative enactments on the use of~~  
28 ~~telecommunications in elementary and secondary school classes~~  
29 ~~and courses did not contemplate and were not intended to~~  
30 ~~authorize participation in open enrollment under section 282.18~~  
31 ~~for purposes of attending online schools, contracts to provide~~  
32 ~~exclusively or predominantly online coursework to students, or~~  
33 ~~online coursework that does not use teachers licensed under~~  
34 ~~chapter 272 for instruction and supervision.~~

35 ~~b. That online learning technology has moved ahead of Iowa's~~

1 ~~statutory framework and the current administrative rules of the~~  
2 ~~state board, promulgated over twenty years ago, are inadequate~~  
3 ~~to regulate today's virtual opportunities.~~

4 A school district providing educational instruction and  
5 course content delivered primarily over the internet shall  
6 do all of the following with regard to such instruction and  
7 content:

8 a. Monitor and verify full-time student enrollment, timely  
9 completion of graduation requirements, course credit accrual,  
10 and course completion.

11 b. Monitor and verify student progress and performance  
12 in each course through a school-based assessment plan that  
13 includes submission of coursework and security and validity of  
14 testing components.

15 c. Conduct parent-teacher conferences.

16 d. Administer assessments required by the state to all  
17 students in a proctored setting and pursuant to state law.

18 2. Online learning curricula shall be provided and  
19 supervised by a teacher licensed under [chapter 272](#).

20 Sec. 6. Section 256.42, subsection 7, Code 2018, is amended  
21 by striking the subsection and inserting in lieu thereof the  
22 following:

23 7. a. The provisions of section 256.11, subsection 5, which  
24 require that specified subjects be offered and taught by a  
25 school district or accredited nonpublic school, shall not apply  
26 for up to two specified subjects at a school district or school  
27 under this section if any of the following apply:

28 (1) The school district or school makes every reasonable and  
29 good faith effort to employ a teacher licensed under chapter  
30 272 for the specified subject, and is unable to employ such a  
31 teacher.

32 (2) Fewer than ten students typically register for  
33 instruction in the specified subject at the school district or  
34 school.

35 b. The department may waive for one school year the

1 applicability of section 256.11, subsection 5, at its  
2 discretion, to additional specified subjects for a school  
3 district or accredited nonpublic school that proves to the  
4 satisfaction of the department that the school district or  
5 school has made every reasonable effort, but is unable to meet  
6 the requirements of section 256.11, subsection 5. A school  
7 district or accredited nonpublic school may apply for an annual  
8 waiver each year.

9 c. Any specified subject course to which section 256.11,  
10 subsection 5, does not apply under paragraph "a" or "b" shall  
11 be provided by the initiative if the initiative offers the  
12 course unless the course offered by the initiative lacks the  
13 capacity to accommodate additional students. In that case,  
14 the specified subject course may instead be provided by the  
15 school district or accredited nonpublic school through an  
16 online learning platform, provided the online learning platform  
17 is taught by an Iowa licensed teacher with online learning  
18 experience and the course content is aligned with the Iowa  
19 content standards and satisfies the requirements of subsection  
20 6.

21 d. For purposes of this subsection, "good faith effort"  
22 means the same as defined in section 279.19A, subsection 9.

23 Sec. 7. Section 256.42, subsection 8, Code 2018, is amended  
24 to read as follows:

25 8. The department shall establish fees payable by school  
26 districts and accredited nonpublic schools participating in  
27 the initiative. Fees collected pursuant to [this subsection](#)  
28 are appropriated to the department to be used only for the  
29 purpose of administering [this section](#) and shall be established  
30 so as not to exceed the budgeted cost of administering this  
31 section ~~to the extent not covered by the moneys appropriated~~  
32 ~~in [subsection 9](#)~~. Providing professional development  
33 necessary to prepare teachers to participate in the initiative  
34 shall be considered a cost of administering [this section](#).  
35 Notwithstanding [section 8.33](#), fees collected by the department

1 that remain unencumbered or unobligated at the close of the  
2 fiscal year shall not revert but shall remain available for  
3 expenditure for the purpose of expanding coursework offered  
4 under the initiative in subsequent fiscal years.

5 Sec. 8. Section 256.42, subsection 9, Code 2018, is amended  
6 by striking the subsection.

7 Sec. 9. Section 256.43, subsection 1, paragraph i, Code  
8 2018, is amended to read as follows:

9 *i.* Criteria for school districts or schools to use when  
10 choosing providers of online learning to meet the online  
11 learning program requirements specified in rules adopted  
12 pursuant to [section 256.7, subsection 32](#), ~~paragraph "a"~~.

13 Sec. 10. Section 256.43, subsection 2, Code 2018, is amended  
14 to read as follows:

15 2. *Private providers.* At the discretion of the school board  
16 or authorities in charge of an accredited nonpublic school,  
17 after consideration of circumstances created by necessity,  
18 convenience, and cost-effectiveness, courses developed by  
19 private providers may be utilized by the school district or  
20 school in implementing a high-quality online learning program.  
21 Courses obtained from private providers shall be taught by  
22 teachers licensed under [chapter 272](#). A school district may  
23 provide courses developed by private providers and delivered  
24 primarily over the internet to pupils who are participating in  
25 open enrollment under section 282.18. However, if a student's  
26 participation in open enrollment to receive educational  
27 instruction and course content delivered primarily over the  
28 internet results in the termination of enrollment in the  
29 receiving district, the receiving district shall, within thirty  
30 days of the termination, notify the district of residence of  
31 the termination and the date of the termination.

32 Sec. 11. Section 256.43, Code 2018, is amended by adding the  
33 following new subsection:

34 NEW SUBSECTION. 5. *Prohibited activities.* A rebate for  
35 tuition or fees paid or any other dividend or bonus moneys for

1 enrollment of a child shall not be offered or provided directly  
2 or indirectly by a school district, school, or private provider  
3 to the parent or guardian of a pupil who enrolls in a school  
4 district or school to receive educational instruction and  
5 course content delivered primarily over the internet.

6 DIVISION II

7 CONCURRENT ENROLLMENT — CAREER AND TECHNICAL EXCEPTION TO  
8 LIMITATION

9 Sec. 12. Section 257.11, subsection 3, Code 2018, is amended  
10 by adding the following new paragraph:

11 NEW PARAGRAPH. *c.* Notwithstanding paragraph “b”,  
12 subparagraph (1), a school district that otherwise meets the  
13 requirements of this subsection may enter into a sharing  
14 agreement with a community college under which the community  
15 college may offer, or provide a community college-employed  
16 instructor to teach, one or more classes in only one of the  
17 six career and technical education service areas specified in  
18 section 256.11, subsection 5, paragraph “h”, and the pupils  
19 enrolled in such a class shall be assigned additional weighting  
20 in accordance with this subsection if the number of pupils  
21 enrolled in such a class exceeds five and the school district’s  
22 total enrollment does not exceed six hundred pupils.

23 Sec. 13. Section 261E.3, subsection 3, paragraph g, Code  
24 2018, is amended to read as follows:

25 *g.* The school district shall certify annually to the  
26 department that the course provided to a high school student  
27 for postsecondary credit in accordance with [this chapter](#) does  
28 not supplant a course provided by the school district in which  
29 the student is enrolled, except as provided under section  
30 257.11, subsection 3, paragraph “c”.

31 DIVISION III

32 STUDENT HEALTH WORKING GROUP

33 Sec. 14. STUDENT HEALTH WORKING GROUP.

34 1. The department of public health and the department  
35 of education shall convene a student health working group to

1 review state-initiated student health requirements, including  
2 but not limited to requirements relating to dental and vision  
3 health screenings under sections 135.17 and 135.39D, blood  
4 lead testing under section 135.105D, and immunizations under  
5 section 139A.8, and other related requirements imposed on  
6 public schools. The working group shall study measures  
7 for implementing such student health screening requirements  
8 while reducing the administrative burden such requirements  
9 impose on public schools. The working group shall develop a  
10 uniform enforcement framework that includes a single method  
11 for enforcement of the current student health requirements and  
12 related data collection.

13 2. Voting members of the working group shall include persons  
14 deemed appropriate by the department of public health as well  
15 as one representative of each of the following, appointed by  
16 the respective entity:

17 a. The department of education.

18 b. The department of public health.

19 c. The area education agencies.

20 d. The Iowa academy of family physicians.

21 3. a. The working group shall elect a chairperson and vice  
22 chairperson from the voting members appointed.

23 b. A majority of the voting members of the working group  
24 shall constitute a quorum.

25 4. The department of public health and the department of  
26 education shall work cooperatively to provide staffing and  
27 administrative support to the working group.

28 5. The working group shall submit its uniform enforcement  
29 framework, findings, and recommendations to the general  
30 assembly not later than December 31, 2018.

31 DIVISION IV

32 OPEN ENROLLMENT — EXTRACURRICULAR ACTIVITY FEE

33 Sec. 15. Section 282.18, subsection 7, Code 2018, is amended  
34 to read as follows:

35 7. a. A pupil participating in open enrollment shall be

1 counted, for state school foundation aid purposes, in the  
2 pupil's district of residence. A pupil's residence, for  
3 purposes of [this section](#), means a residence under section  
4 282.1.

5 b. (1) The board of directors of the district of residence  
6 shall pay to the receiving district the sum of the state cost  
7 per pupil for the previous school year plus either the teacher  
8 leadership supplement state cost per pupil for the previous  
9 fiscal year as provided in [section 257.9](#) or the teacher  
10 leadership supplement foundation aid for the previous fiscal  
11 year as provided in [section 284.13, subsection 1](#), paragraph "d",  
12 if both the district of residence and the receiving district  
13 are receiving such supplements, plus any moneys received for  
14 the pupil as a result of the non-English speaking weighting  
15 under [section 280.4, subsection 3](#), for the previous school  
16 year multiplied by the state cost per pupil for the previous  
17 year. If the pupil participating in open enrollment is also  
18 an eligible pupil under [section 261E.6](#), the receiving district  
19 shall pay the tuition reimbursement amount to an eligible  
20 postsecondary institution as provided in [section 261E.7](#).

21 (2) If a pupil participates in cocurricular or  
22 extracurricular activities in accordance with subsection  
23 11A, the district of residence may deduct up to two hundred  
24 dollars per activity, for up to two activities, from the amount  
25 calculated in subparagraph (1). For a cocurricular activity,  
26 one semester shall equal one activity. Extracurricular  
27 activities for which such a resident district may charge up  
28 to two hundred dollars per activity for up to two activities  
29 under this subparagraph include interscholastic athletics,  
30 music, drama, and any other activity with a general fund  
31 expenditure exceeding five thousand dollars annually. A pupil  
32 may participate in additional extracurricular activities at the  
33 discretion of the resident district. The school district of  
34 residence may charge the pupil a fee for participation in such  
35 cocurricular or extracurricular activities equivalent to the

1 fee charged to and paid in the same manner by other resident  
2 pupils.

3 Sec. 16. Section 282.18, Code 2018, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 11A. A pupil participating in open  
6 enrollment for purposes of receiving educational instruction  
7 and course content primarily over the internet in accordance  
8 with section 256.7, subsection 32, may participate in any  
9 cocurricular or extracurricular activities offered to children  
10 in the pupil's grade or group and sponsored by the district  
11 of residence under the same conditions and requirements  
12 as the pupils enrolled in the district of residence. The  
13 pupil may participate in not more than two cocurricular or  
14 extracurricular activities during a school year unless the  
15 resident district approves the student's participation in  
16 additional activities. The student shall comply with the  
17 eligibility, conduct, and other requirements relating to the  
18 activity that are established by the district of residence for  
19 any student who applies to participate or who is participating  
20 in the activity.

21 DIVISION V

22 DEPARTMENT OF EDUCATION — BILITERACY SEAL

23 Sec. 17. Section 256.9, Code 2018, is amended by adding the  
24 following new subsection:

25 NEW SUBSECTION. 60. Develop and administer a seal of  
26 biliteracy program to recognize students graduating from  
27 high school who have demonstrated proficiency in two or more  
28 world languages, one of which may be American sign language,  
29 though one of which must be English. Participation in the  
30 program by a school district, attendance center, or accredited  
31 nonpublic school shall be voluntary. The department shall work  
32 with stakeholders to identify standardized tests that may be  
33 utilized to demonstrate proficiency. The department shall  
34 produce a seal of biliteracy, which may include but need not  
35 be limited to a sticker that may be affixed to a student's

1 high school transcript or a certificate that may be awarded to  
2 the student. A participating school district or school shall  
3 notify the department of the names of the students who have  
4 qualified for the seal and the department shall provide the  
5 school district or school with the appropriate number of seals  
6 or other authorized endorsement. The department may charge a  
7 nominal fee to cover printing and postage charges related to  
8 issuance of the biliteracy seal under this subsection.

9

DIVISION VI

10

LIMITATION ON DEPARTMENT OF EDUCATION GUIDANCE

11

Sec. 18. NEW SECTION. 256.9A Limitation on guidance and

12

interpretations.

13

1. For the purposes of this section, "*guidance*" means a  
14 document or statement issued by the department, the state  
15 board, or the director that purports to interpret a law, a  
16 rule, or other legal authority and is designed to provide  
17 advice or direction to a person regarding the implementation  
18 of or compliance with the law, the rule, or the other legal  
19 authority being interpreted.

20

2. The department, the state board, or the director shall  
21 not issue guidance inconsistent with any statute, rule, or  
22 other legal authority and shall not issue guidance that imposes  
23 any legally binding obligations or duties upon any person  
24 unless such legally binding obligations or duties are required  
25 or reasonably implied by any statute, rule, or other legal  
26 authority.

27

3. This section shall not apply to a rule adopted pursuant  
28 to chapter 17A, a declaratory order issued pursuant to section  
29 17A.9, a document or statement required by federal law or a  
30 court, or a document or statement issued in the course of a  
31 contested case proceeding, an administrative proceeding, or a  
32 judicial proceeding to which the department, the state board,  
33 or the director is a party.

34

4. Guidance issued by the department, the state board, or  
35 the director in violation of subsection 2 shall not be deemed

1 to be legally binding.

2 Sec. 19. EFFECTIVE UPON ENACTMENT. This division of this  
3 Act, being deemed of immediate importance, takes effect upon  
4 enactment.

5 DIVISION VII

6 FINANCIAL LITERACY

7 Sec. 20. Section 256.11, subsection 5, Code 2018, is amended  
8 by adding the following new paragraph:

9 NEW PARAGRAPH. *k.* One-half unit of personal finance  
10 literacy. All students shall complete at least one-half unit  
11 of personal finance literacy as a condition of graduation. The  
12 curriculum shall, at a minimum, address the following:

13 (1) Savings, including emergency fund, purchases, and  
14 wealth building.

15 (2) Understanding investments, including compound and  
16 simple interest, liquidity, diversification, risk return  
17 ratio, certificates of deposit, money market accounts, single  
18 stocks, bonds, mutual funds, rental real estate, annuities,  
19 commodities, and futures.

20 (3) Wealth building and college planning, including  
21 long-term and short-term investing using tax-favored plans,  
22 individual retirement accounts and payments from such accounts,  
23 employer-sponsored retirement plans and investments, public and  
24 private educational savings accounts, and uniform gifts and  
25 transfers to minors.

26 (4) Credit and debt, including credit cards, payday  
27 lending, rent-to-own transactions, debt consolidation,  
28 automobile leasing, cosigning a loan, debt avoidance, and the  
29 marketing of debt, especially to young people.

30 (5) Consumer awareness of the power of marketing on buying  
31 decisions including zero percent interest offers; marketing  
32 methods, including product positioning, advertising, brand  
33 recognition, and personal selling; how to read a credit report  
34 and correct inaccuracies; how to build a credit score; how to  
35 develop a plan to deal with creditors and avoid bankruptcy; and

1 the federal Fair Debt Collection Practices Act.

2 (6) Financial responsibility and money management,  
3 including creating and living on a written budget and balancing  
4 a checkbook; basic rules of successful negotiating and  
5 techniques; and personality or other traits regarding money.

6 (7) Insurance, risk management, income, and career  
7 decisions, including career choices that fit personality styles  
8 and occupational goals, job search strategies, cover letters,  
9 resumes, interview techniques, payroll taxes and other income  
10 withholdings, and revenue sources for federal, state, and local  
11 governments.

12 (8) Different types of insurance coverage including  
13 renters, homeowners, automobile, health, disability, long-term  
14 care, identity theft, and life insurance; term life, cash  
15 value and whole life insurance; and insurance terms such  
16 as deductible, stop loss, elimination period, replacement  
17 coverage, liability, and out-of-pocket.

18 (9) Buying, selling, and renting advantages and  
19 disadvantages relating to real estate, including adjustable  
20 rate, balloon, conventional, government-backed, reverse, and  
21 seller-financed mortgages.

22 Sec. 21. EFFECTIVE DATE. This division of this Act takes  
23 effect July 1, 2019.>